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9 BROADCOM CORPORATION

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 BROADCOM CORPORATION,
13 Plaintiff,

14 v.

15 QUALCOMM INCORPORATED,
16 Defendant.

Case No. 08 CV 01607 JAH (JMA)

NOTICE OF RELATED CASE

Judge: John A. Houston
Ctvm: 11

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18 AND RELATED COUNTERCLAIMS
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1 Plaintiff BROADCOM Corporation (“Broadcom”) respectfully submits this notice of
2 related cases pursuant to Civil Local Rule 40.1(e).

3 On August 12, 2008, Judge Cooper of the U.S. District Court for the District of New
4 Jersey ordered this case transferred to the Southern District of California. The matter was
5 docketed in this District on September 3, 2008, assigned to the Hon. John A. Houston. There are
6 currently two related cases, as defined by Civil Local Rule 40.1(e), pending in this District and
7 assigned to the Hon. William Q. Hayes:

8 - *Meyer v. Qualcomm Inc.*, No. 3:08-cv-00655-WQH-LSP, filed Apr. 10, 2008

9 - *Valikhani v. Qualcomm Inc., et al.*, No. 3:08-cv-00786-WQH-JMA, filed Apr. 30, 2008

10 Under Civil Local Rule 40.1(f), “[a]n action or proceeding is related to another action or
11 proceeding where both of them: (1) Involve some of the same parties and are based on the same
12 or similar claims, or (2) Involve the same property, transaction, or event, or (3) Involve
13 substantially the same facts and the same questions of law.” CivLR 40.1(e). The *Meyer* and
14 *Valikhani* cases are “related” under all three of these standards. Qualcomm agrees, having filed a
15 similar Notice of Related Case in both *Meyer* and *Valikhani* months ago,¹ and filing a Notice of
16 Related Case in this matter on September 4, 2008. *See* Docket No. 197.

17 As Qualcomm correctly explains, like this case, *Meyer* and *Valikhani* are antitrust cases
18 against Qualcomm in which the plaintiffs, on behalf of alleged classes, assert substantially the
19 same causes of action and grounds for liability as Broadcom does here. In all three cases, there
20 are claims alleged under the Sherman Act, along with the same state law claims under
21 California’s Unfair Competition Law, Business & Professions Code § 17200 *et seq.* The three
22 cases also assert similar theories of liability related to Qualcomm’s conduct before a standard
23 setting organization known as ETSI. *See, Broadcom Corp. v. Qualcomm, Inc.*, 501 F.3d 297 (3d

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25 _____
26 ¹ In both *Meyer* and *Valikhani*, defendant Qualcomm previously filed a Notice of Related Case,
27 as well as supplemental notices, similarly viewing all three cases as meeting the related case
28 elements of CivLR 40.1(e), as did the *Meyer* plaintiff. *See Meyer*, No. 3:08-cv-00655-WQH-
LSP, Docket Nos. 3, 6 & 30; *Valikhani*, No. 3:08-cv-00786-WQH-JMA, Docket Nos. 2, 5 & 33.

1 Cir. 2007). These factual and legal similarities meet the requirements for notice as related cases
2 under Civil Local Rule 40.1(e).

3 Moreover, because of the substantial overlap among this case, *Meyer* and *Valikhani*, there
4 are efficiencies to be gained by deeming the cases “related” and transferring this case to Judge
5 Hayes pursuant to Civil Local Rules 40.1(d), (e) & (h).

6
7 Dated: September 5, 2008

MCKENNA LONG & ALDRIDGE LLP

8 WILMER CUTLER PICKERING
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10 By: s/James S. McNeill

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BROADCOM CORPORATION V. QUALCOMM INCORPORATED
United States District Court Case No. 08-CV-1607 JAH (JMA)

CERTIFICATE OF SERVICE

I, James S. McNeill, certify that I caused to be served upon the following counsel and parties of record a copy of the following document(s):

• **NOTICE OF RELATED CASE**

via personal service, overnight mail (VIA UPS), facsimile, first class mail or e-mail, as indicated below:

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6 Executed on **September 5, 2008**, in San Diego, California.

7 s/James S. McNeill
8 James S. McNeill
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